

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RICHARD ROY SCOTT,

Petitioner,

v.

MACK STRONG,

Respondent.

CASE NO. 3:16-CV-05218-RBL-DWC

ORDER TO FILE AMENDED
PETITION

Petitioner Richard Roy Scott filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. Dkt. 1. Having reviewed the Petition, the Court declines to order Respondent to file an answer as the Petition does not comply with the Rules Governing Section 2254 Cases. The Court, however, provides Petitioner leave to file an amended petition by May 2, 2016, to cure the deficiencies identified herein.

Under Rule 2(a) of the Rules Governing Section 2254 Cases, “the petition must name as respondent the state officer who has custody.” Further,

[t]he petition must: (1) specify all the grounds for relief available to the petitioner; (2) state the facts supporting each ground; (3) state the relief requested; (4) be printed, typewritten, or legibly

1 handwritten; and (5) be signed under penalty of perjury by the
2 petitioner or person authorized to sign it for the petitioner under 28
U.S.C. §2242.

3 *Id.* at Rule 2(c). The Petition must “substantially follow” a form prescribed by the local district
4 court or the form attached to the Rules Governing Section 2254 Cases. *Id.* at Rule 2(d).

5 Petitioner filed a typewritten Petition providing the background of Petitioner’s case and
6 explaining he is innocent of the convicted crime. Dkt 1. He requests release from the Special
7 Commitment Center. *Id.* The Petition, however, does not comply with the Rules Governing
8 Section 2254 Cases. Petitioner has failed to:

- 9 1) Name the state officer who has custody over Petitioner;
- 10 2) Specify all the grounds for relief available to Petitioner;
- 11 3) State facts supporting each ground;
- 12 4) Sign the Petition under penalty of perjury; and
- 13 5) Substantially follow the Court’s 2254 form.

14 If Petitioner intends to pursue this habeas action, he must file an amended petition
15 complying with Rule 2 of the Rules Governing Section 2254 Cases on the form provided by the
16 Court. The amended petition must also be legibly rewritten or retyped in its entirety, it should be
17 an original and not a copy, it should contain the same case number, and it may not incorporate any
18 part of the original Petition by reference. The amended petition will act as a complete substitute for
19 the original Petition, and not as a supplement.

20 If Petitioner fails to adequately address the issues raised herein and file an amended petition
21 on or before May 2, 2016, the undersigned will recommend dismissal of this action.

1 The Clerk is directed to provide Petitioner with the forms for filing a petition for habeas
2 corpus relief pursuant to 28 U.S.C. § 2254. The Clerk is further directed to provide copies of this
3 Order to Petitioner.

4 Dated this 1st day of April, 2016.

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7 David W. Christel
8 United States Magistrate Judge
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